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| Meeting Date |
| May 20, 2010 |



| AGENDA | |
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| Proposal # | 50 |
| Item No. | X. D. |

AGENDA REPORT
BREVARD COUNTY CHARTER REVIEW COMMISSION

SUBJECT: Section 1.6 Require an annual government refunding celebration of the Federal and State Constitution
 PETITIONER: Scott Cuthbert, Brevard County Resident

Requested Action:
Requiring an annual refunding celebration of the Federal and State Constitutions of Brevard County Government.

Summary Explanation & Background:
BALLOT TITLE:
 (15 words) Requiring an annual refunding celebration of the Federal and State Constitutions by Brevard County Government.

BALLOT SUMMARY:
 (64 words) Incorporates a reference to the Federal Constitution into section 1.6 of the Brevard County Charter and requires an annual refunding celebration of both the Federal and State Constitutions. The primary focus of these annual refundings will be the blessings and individual liberties secured by our Constitutions as originally intended by our founding fathers. All sectors of Brevard County government shall participate in these celebrations.

ACCTUAL CHARTER LANGUAGE CHANGES

Section 1.6 of the Brevard County Charter is currently titled:
 "RELATION TO STATE LAW"

This title would be changed to read:
 "RELATION TO FEDERAL AND STATE LAW"

* Underlined words added.

SECTION 1.6. would be revised to read as follows:
 The provisions of this Charter are not intended, and shall not be construed, *to conflict*** as conflicting with the individual rights and liberties secured by the Federal Constitution or the Constitution of the State of Florida, general law, or special law approved by vote of the electorate.

Contacts: Scott Cuthbert 984-0456 scuthbert@cfl.rr.com

Exhibits Attached:
 None

Reviewed by Administrative Secretary/Chairman Yes No

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| | County Department |
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***Italicized words stricken.*

A new Section 1.6.1 would be added and would read as follows:

SECTION 1.6.1. ANNUAL REFOUNDING CELEBRATION

Upon the return to work following the Christmas and New Years holidays in January of each year, the Board of County Commissioners and the Brevard County School Board shall hold a refounding celebration of the Constitutions of the United States and the State of Florida. With respect to the Federal Constitution, this refounding shall be based upon the original intent of the founding fathers as found within their personal writings, letters and the federalist papers. At a minimum, this celebration shall include a reading of:

- A). The Declaration of Independence,
- B). The Preamble to the Untied States Constitution,
- C). The Federal “Bill of Rights” (Amendments I through X, U.S. Const.)
- D). The Preamble to the Florida Constitution,
- E). The “Declaration of Rights” as stated within Article I, Sections 1 through 27 of the Florida Constitution,
- F). Sections 112.311 (1), (3), (5) and (6) Florida Statutes as relating to the conduct of public officers and employees, the public interest, conflict of interest and the statutory duty that local officials and employees have to uphold the Constitutions of the United States and the State of Florida,
- and
- G). A sampling of the writings of the founding fathers and the Federalist Papers.

As these annual refoundings are intended as celebrations, the governing Boards should encourage as much public participation as possible, with local students, business and community leaders, etc., invited to participate in the above readings and activities.

A new Section 1.6.2.would be added and would read as follows:

SECTION 1.6.2. MANDATORY PARTICIPATION.

As the purpose of the refounding celebrations set forth within section 1.6.1 above are to remind and to focus Brevard County Government on its Constitutional and Statutory duties and obligations to serve the publics interest and protect the citizens rights, the presence of Brevard County’s elected officials, Constitutional Officers, Administrative Officers and Executive branch officials and department heads shall be mandatory (only extraordinary personal circumstances excepted).

A new Section 8.2 would be added and would read as follows:

SECTION 8.2 MANDATORY PARTICIPATION IN COUNTY’S ANNUAL REFOUNDING CELEBRATION REQUIRED

The elected members of the Brevard County School Board, the Boards senior staff members and department heads shall participate in and attend the County’s annual refounding celebrations as set forth within Section 1.6.1 of the Brevard County Home Rule Charter.

This Amendment shall become effective upon voter approval.